

REMARKS

Applicant thanks Mr. Amene S. Bayou and Mr. Devon Kramer for their courtesies extended to applicant's representatives during the Telephonic Interview conducted on May 14, 2009, and for their assistance in furthering prosecution on the merits of the instant application. During the Telephonic Interview, the rejection of independent claim 1 in view of the cited art was discussed. An agreement with respect to the teachings of the cited art was reached. However, no agreement with respect to the patentability of the claims was achieved. The following remarks take into account the content of the Telephonic Interview.

Claims 1-20 are currently pending, with claim 1 being the sole independent claim. Reconsideration of the above-identified application is respectfully requested.

Claims 1-8, 11-16, and 18 stand rejected under 35 U.S.C. §102(b) as anticipated by DE 195 34 411 ("*Frank*"). Claims 1-4, 6, 7, 9-15, 17, and 19 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,694,857 ("*Harris*"). For the following reasons, reconsideration of these rejections is requested.

Independent claim 1 recites "wherein the arms of the damping device include at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm, the first and second horizontal arms being spaced apart in the vertical direction". The cited art fails to teach or suggest this limitation.

The Examiner asserts that the s-shaped elements 27 of *Frank* are the claimed horizontal arms. However, each of the s-shaped elements 27 is arranged at the same vertical position and, thus, are not spaced apart in the vertical direction. In rejecting dependent claim 2, the Examiner refers to upper and lower bars 27 in Fig. 3. However, Fig. 3 is a plan view of the structure viewed from above looking in a downward direction (see the line III – III in Fig. 1). Accordingly, the

s-shaped elements 27 are not vertically spaced apart but, rather, the s-shaped elements are disposed within the same horizontal plane. Independent claim 1 requires “spacing” of the first and second horizontal arms along the vertical direction, i.e., the first and second horizontal arms must be spaced apart in the vertical direction.

Accordingly, *Frank* fails to teach or suggest “wherein the arms of the damping device include at least one first vertical arm extending substantially in a vertical direction and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm, the first and second horizontal arms being spaced apart in the vertical direction”, as expressly recited in independent claim 1. Therefore, withdrawal of the rejection of independent claim 1 as anticipated by *Frank* is therefore requested.

Harris also fails to disclose the claimed horizontal arms. *Harris* discloses a fuel sender unit for delivering fuel from a fuel tank including a top mounting plate 12. Upper and lower pump support frames 35, 36 suspend a fuel pump 32 (see col. 4, lines 55-57 of *Harris*). The upper support frame 34 includes a central shaft 60 from which fins 62 extend outwardly (see col. 4, lines 59-63). The lower support frame 36 includes legs 88 which are interconnected with the fins 623 and a pump carrier dish 84 on which the fuel pump 32 is supported (see col. 5, lines 34-39). A noise insulating gasket is arranged between the dish 84 and the fuel pump 32 (see col. 5, lines 39-42).

The Examiner states that the legs 88 are considered to disclose the claimed vertical and horizontal arms. However, even assuming *arguendo* that the lower portions of the legs 88 constitute horizontal arms, these arms are not spaced apart in the vertical direction. Rather, the legs 88 of *Harris* are also disposed in the same horizontal plane, i.e., they are not spaced apart in the vertical direction such they would be spaced along the axis of the fuel pump.

Harris thus also fails to teach or suggest “wherein the arms of the damping device include at least one first vertical arm extending substantially in a vertical direction and first and second

horizontal arms extending substantially horizontally and angled away from the first vertical arm, the first and second horizontal arms being spaced apart in the vertical direction" as expressly recited in independent claim 1. Therefore, *Harris* fails to render independent claim 1 obvious and unpatentable and the rejection of claim 1 in view of *Harris* should be withdrawn.

Independent claim 1 is patentable over *Frank* and/or *Harris*. Reconsideration and withdrawal of all the rejections under 35 U.S.C. §102(b) and §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claim 1, dependent claims 2-20 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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